



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Eleventh Meeting Day

Monday Afternoon

January 29, 2007

The House convened at 1:30 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative Jonathan R. Elrod.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezgodski
Crouch	Noe
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson ☐	Pond
Dobis	Porter
Dodge	Reske
Duncan	Richardson
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend ☐	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 24: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 30, 2007, at 1:30 p.m.

PFLUM

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 16 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 8

Representatives Orentlicher and Summers introduced House Concurrent Resolution 8:

A CONCURRENT RESOLUTION honoring Crooked Creek Elementary School, MSD Washington Township, for being named a 2006 National Blue Ribbon School.

Whereas, Crooked Creek Elementary School is an outstanding elementary school that has demonstrated clear vision, a shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards;

Whereas, The Blue Ribbon School Award gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, state, and national goals and in educating their students;

Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;

Whereas, The Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and organizational vitality;

Whereas, Crooked Creek Elementary School is one of America's finest public schools;

Whereas, To be selected as a recipient of the National Blue Ribbon School award, the school was required to endure a week of exams and interviews from different educational groups as part of the selection process; and

Whereas, Crooked Creek Elementary School passed the test with flying colors and was honored as one of the 14 Indiana National Blue Ribbon Schools for 2006: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

families of Crooked Creek Elementary School for being selected as a 2006 National Blue Ribbon School by the U.S. Department of Education.

SECTION 2. That the Principal Clerk at the Indiana House of Representatives transmit a copy of this resolution to Mrs. Mary Beth Reffett, Principal of Crooked Creek Elementary School, and Dr. James Mervilde, Superintendent of the Metropolitan School District of Washington Township.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Howard.

House Concurrent Resolution 9

Representatives Borror, Bell, Leonard, Stutzman, and Micon introduced House Concurrent Resolution 9:

A CONCURRENT RESOLUTION congratulating the Noble County 4-H livestock judging team for being named national runners-up in the 4-H Livestock Judging Competition of the National Western Stock Show in Denver, Colorado.

Whereas, Participation on a livestock judging team gives young people the opportunity to learn the skill of livestock evaluation and to express their opinions through oral presentation;

Whereas, Livestock judging team members learn to apply scientific principles of animal growth, evaluation, and selection to different types of animals and to analyze breeding and market classes of beef cattle, swine, and sheep;

Whereas, Livestock judging competitions are held throughout the United States and challenge the team members and determine the knowledge and communication skills that have been obtained;

Whereas, The Noble County 4-H judging team originated four years ago when a group of parents and students sought an opportunity to broaden their knowledge of livestock and their communication and evaluation skills;

Whereas, Under the direction of Mrs. Jackie Bell, the group worked diligently over the past four years;

Whereas, Their hard work and dedication paid off when they were named the national runners-up in the 4-H Livestock Judging Competition of the National Western Livestock Stock Show;

Whereas, In addition to the team's accomplishment, Kyle Dice finished fifth, Emily Griffiths finished sixth, Nick Riecke finished 19th, and Cory Riecke finished 28th overall among the more than 150 competitors; and

Whereas, When it comes to preparing future leaders for agriculture and the livestock industry, few forms of educational training can compare with the experience that these young people have gained from participating on the judging team: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Noble County 4-H livestock judging team for being named national runners-up in the National Western Stock Show competition and wishes the team continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Emily Griffiths, Kyle Dice, Cory Riecke, and Nick Riecke and team coach Mrs. Jackie Bell.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Meeks and Heinold.

House Resolution 5

Representative Mays introduced House Resolution 5:

A HOUSE RESOLUTION recognizing Tavis Smiley for his many accomplishments.

Whereas, Tavis Smiley is an author, a political commentator, and a talk show host whose advocacy efforts have earned him numerous awards and recognitions, including the Mickey Leland Humanitarian Award from the National Association of Minorities in Communications and numerous honorary doctorate degrees, including one from his alma mater, Indiana University;

Whereas, Tavis Smiley, one of ten children, was born in Gulfport, Mississippi, on September 13, 1964;

Whereas, Tavis Smiley and his family moved to Indiana when his father, an Air Force non-commissioned officer, was transferred to Grissom Air Force Base in Bunker Hill, Indiana;

Whereas, Upon graduation from Maconaquah High School, Tavis Smiley attended Indiana University, where he was involved in student government, was accepted into the Kappa Alpha Psi fraternity, and participated in his first of many political and social advocacy campaigns;

Whereas, Tavis Smiley interned as an aide to Tom Bradley, the first African-American mayor of Los Angeles;

Whereas, After his internship, Tavis Smiley returned to Indiana University, where he received his bachelor's degree in law and public policy in 1986;

Whereas, Upon graduation, Tavis Smiley served as an aide to Mayor Tom Bradley until 1990;

Whereas, Tavis Smiley became a radio commentator for a Los Angeles urban radio station, broadcasting daily radio segments concerning local and national current-affairs issues affecting the African-American community;

Whereas, Tavis Smiley expanded his broadcasting career with frequent spots on the Tom Joyner Morning Show, C-SPAN, MSNBC, ABC, CNN, National Public Radio, and the Public Broadcasting Service network;

Whereas, Despite his busy career, Tavis Smiley dedicates numerous hours to community service events;

Whereas, For example, Tavis Smiley returned to his Indiana roots to help spread the word about the value of public television, lending his celebrity and talents to a fundraising event for Indianapolis PBS public broadcasting station WFYI, acting as honorary chairman for the Capital Campaign; and

Whereas, Tavis Smiley is an accomplished author, with eight books to his credit, whose work continues to "enlighten, encourage and empower Black youth": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes Tavis Smiley's many accomplishments and contributions.

SECTION 2. That the members of the Indiana Black Legislative Caucus recognize Tavis Smiley's accomplishments, advocacy efforts, and commitment to positive change.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Tavis Smiley.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 16

The Speaker handed down Senate Concurrent Resolution 16, sponsored by Representative Folley:

A CONCURRENT RESOLUTION memorializing former Commissioner of the Indiana Department of Revenue Kenneth L. Miller.

Whereas, Kenneth L. Miller was born March 14, 1944 and lived his life in Mooresville, Indiana. He graduated from Mooresville High School and attended IUPUI and Indiana Business College;

Whereas, after graduation Mr. Miller spent two years with the Peace Corps in India;

Whereas, Mr. Miller worked for the Indiana Department of Revenue for thirty-four years and served as Commissioner of Revenue for the last fourteen years;

Whereas, Mr. Miller served on the advisory group to the Internal Revenue Service and was President of both the Midwestern States Association of Tax Administrators and the regional Federation of Tax Administrators;

Whereas, Mr. Miller was active in numerous professional, business and community organizations. He served on the Board of the Morgan County Hospital and Medical Center at the time of his death; and

Whereas, Kenneth L. Miller was a three time recipient of the Sagamore of the Wabash Award and his lifetime of achievements is worthy of recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly remembers Kenneth L. Miller for his lifelong commitment to public service. We salute his life and honor his memory.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mr. Miller's wife, Kathleen E. Howell Miller, and his children Derek Miller, Michele Moore, and Heather Bosanquet.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Speaker Pro Tempore yielded the gavel to the Speaker.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, reset in roman "business".

Page 2, line 13, delete "consecutive".

Page 2, line 14, delete "working".

Page 2, line 23, delete "consecutive working" and insert "business".

Page 3, line 3, delete "An employee may elect to submit the

decision of".

Page 3, line 4, delete "the commission to arbitration".

Page 3, line 7, strike "recommendation," and insert "decision,".

(Reference is to HB 1203 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.3-7-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.8. (a) As used in this section, "state quasi-governmental entity service" means service in Indiana that would be considered creditable service if performed by an employee of a member of the fund by an individual who:**

- (1) provided the service as an employee of a body corporate and politic, nonprofit corporation established by the state, or other quasi-governmental entity that performed a state governmental function; and
- (2) was not a member of the fund under section 1 of this chapter during the period of employment.

(b) A member may purchase state quasi-governmental entity service credit subject to the following:

- (1) The member must have at least one (1) year of credited service in the fund.
- (2) The member must have at least ten (10) years of in-state credited service before the member may claim the service credit.
- (3) Before the member retires, the member must make contributions to the fund:

- (A) that are equal to the product of:
 - (i) the member's salary at the time the member actually makes a contribution for the service credit;
 - (ii) a percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
 - (iii) the number of years of state quasi-governmental entity service the member intends to purchase; and
- (B) for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

- (4) The member must provide verification of the service with the state quasi-governmental entity in a manner prescribed by the fund.

(c) State quasi-governmental entity service that qualifies a member for retirement in a private retirement system or a federal retirement system may not be granted under this section.

- (d) A member who:**
 - (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or

(2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act; may withdraw the personal contributions made under the contributory plan plus accumulated interest after submitting to the fund a properly completed application for a refund.

(e) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit."

Renumber all SECTIONS consecutively.

(Reference is to HB 1232 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

CRAWFORD, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:40 p.m. with the Speaker in the Chair.

House Bill 1018

Representative Duncan called down House Bill 1018 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1018-1)

Mr. Speaker: I move that House Bill 1018 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-19-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **This section does not apply to the occupant of a school bus.**

(b) Each front seat occupant of a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

SECTION 2. IC 9-19-10-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.3. (a) **This section applies beginning July 1, 2009.**

(b) **A school bus initially placed into service after June 30, 2009 must be equipped, for each occupant, with a safety belt meeting the standards established by the school bus committee under section 6(d) of this chapter.**

(c) **Each occupant of a school bus referenced in subsection (b) shall have a safety belt properly fastened about the occupant's body at all times when the school bus is in forward motion.**

SECTION 3. IC 9-19-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) **Except as**

provided in subsection (d), a safety belt must be of a type and must be installed in a manner approved by the bureau.

(b) **Except as provided in subsection (d),** the bureau shall establish specifications and requirements for approved types of safety belts and attachments to the safety belts.

(c) **For purposes of subsections (a) and (b),** the bureau shall accept, as approved, a ~~seat~~ **safety** belt installation and the belt and anchor meeting the Society of Automotive Engineers' specifications.

(d) **The state school bus committee established under IC 20-27-3-1 shall adopt rules under IC 4-22-2 establishing standards and requirements for safety belts and attachments to safety belts for use in school buses.**

SECTION 4. IC 9-19-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Failure to comply with ~~section~~ **sections** 1, 2, **2.3**, 3, or 4 of this chapter does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.

(b) Except as provided in subsection (c), evidence of the failure to comply with ~~section~~ **sections** 1, 2, **2.3**, 3, or 4 of this chapter may not be admitted in a civil action to mitigate damages.

(c) Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental restraint system. The defendant in such an action has the burden of proving noncompliance with this chapter and that compliance with this chapter would have reduced injuries, and the extent of the reduction.

SECTION 5. IC 9-19-10-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8.5. **The operator of a school bus who permits a violation of section 2.3(c) of this chapter commits a Class D infraction.**

SECTION 6. IC 9-19-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who violates section 5 ~~or 6~~ of this chapter commits a Class C infraction."

Page 1, after line 10, begin a new paragraph and insert: "SECTION 8. IC 20-27-3-4, AS AMENDED BY P.L.107-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) **Except as provided in subsection (b)(2),** the committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses and special purpose buses, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses and special purpose buses and the

issuance of certificate of inspection decals.

(6) The committee may maintain an approved list of school buses and special purpose buses that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus driver contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(b) The committee shall adopt rules under IC 4-22-2 to:

(1) set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver; **and**

(2) **establish standards and requirements for safety belts and attachments to safety belts for use in school buses as required under IC 9-19-10-6(d).**

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1018 as printed January 26, 2007.)

BUCK

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1027

Representative Day called down House Bill 1027 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1027-15)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Page 2, line 2, after "201-209)." insert "**The term does not apply to an individual or other entity in any taxable year (as defined in IC 6-3-1-16) that had less than five hundred thousand dollars (\$500,000) in gross income (as defined in Section 61 of the Internal Revenue Code) in the immediately preceding taxable year.**"

(Reference is to HB 1027 as printed January 26, 2007.)

DAVIS

Upon request of Representatives Davis and Friend, the Speaker ordered the roll of the House to be called. Roll Call 25: yeas 48, nays 50. Motion failed.

HOUSE MOTION (Amendment 1027-16)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Page 2, line 2, after "201-209)" insert "**The term does not apply to an organization that is exempt from federal gross income tax under Section 501(c)(3) of the Internal Revenue Code.**"

(Reference is to HB 1027 as printed January 26, 2007.)

STUTZMAN

Upon request of Representatives Stutzman and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 26: yeas 48, nays 50. Motion failed.

HOUSE MOTION (Amendment 1027-5)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Page 12, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 5. IC 22-4-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The skills 2016 training assessment is nine hundredths percent (0.09%) to be assessed upon the previous year's taxable wages (as defined in IC 22-4-4-2) paid by all employers except those ~~who~~ **that:**

(1) have elected to make payments in lieu of contributions (as defined in IC 22-4-2-32); **or**

(2) **had less than five hundred thousand dollars (\$500,000) in gross income (as defined in Section 61 of the Internal Revenue Code) in the previous calendar year.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1027 as printed January 26, 2007.)

RIPLEY

Upon request of Representatives Ripley and Friend, the Speaker ordered the roll of the House to be called. Roll Call 27: yeas 48, nays 50. Motion failed.

HOUSE MOTION (Amendment 1027-12)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Page 12, line 6, delete "three" and insert "**six**".

Page 12, line 6, delete "(\$3,000)," and insert "**(\$6,000),**". (Reference is to HB 1027 as printed January 26, 2007.)

BELL

Motion prevailed.

HOUSE MOTION (Amendment 1027-8)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Page 2, line 2, after "201-209)." insert "**The term does not apply to an individual or other entity that offers health care benefits to its employees, including coverage for medical care, prescription drugs, vision care, medical savings accounts, or any other health related benefit.**"

(Reference is to HB 1027 as printed January 26, 2007.)

T. BROWN

Upon request of Representatives T. Brown and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 28: yeas 48, nays 50. Motion failed. The bill was ordered engrossed.

House Bill 1075

Representative Day called down House Bill 1075 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1078

Representative Tincher called down House Bill 1078 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1088

Representative Kersey called down House Bill 1088 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1119

Representative Cheney called down House Bill 1119 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1165

Representative Cochran called down House Bill 1165 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1165-2)

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 6-3-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 14. (a) As used in this section, "hybrid vehicle" means a motor vehicle that:**

- (1) draws propulsion energy from both an internal combustion engine and an energy storage device; and**
- (2) employs a regenerative braking system to recover waste energy to charge the energy storage device that is providing propulsion energy.**

(b) As used in this section, "residual value" means the estimated value of a vehicle upon expiration of a lease as established at the beginning of the lease agreement and used in calculating the lessee's monthly lease payments.

(c) A credit provided in this section shall be a refundable credit against the individual's adjusted gross income tax liability imposed by IC 6-3-1 through IC 6-3-7.

(d) Subject to the limitations in this section, an individual who purchases or leases a new hybrid vehicle is entitled to a credit under this section for the taxable year in which the individual purchases or begins to lease the vehicle. The amount of the credit is equal to one thousand dollars (\$1,000).

(e) An individual who leases a new hybrid vehicle is entitled to a credit equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the value of the vehicle as listed in the lease agreement and negotiated by the dealer and the purchaser.

STEP TWO: Determine the residual value of the hybrid vehicle.

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Divide the STEP THREE result by the STEP ONE amount.

STEP FIVE: Multiply the STEP FOUR result (rounded to the nearest ten-thousandth (0.0001)) by one thousand dollars (\$1,000).

(f) An individual who:

- (1) claims a credit under this section for a leased hybrid vehicle; and**
- (2) purchases the leased hybrid vehicle at the end of the lease term;**

is entitled to a credit under this subsection for the taxable year in which the leased hybrid vehicle is purchased. The amount of the credit provided in this subsection is equal to the result of the credit claimed by the individual under subsection (e) at the beginning of the lease term subtracted from one thousand dollars (\$1,000).

(g) The aggregate number of credits that may be allowed under this section in a particular state fiscal year may not exceed five thousand (5,000) credits. Any credits claimed under subsection (f) may not be considered in determining the number of credits that may be allowed under this subsection.

(h) The department shall develop and implement a system that informs the citizens of Indiana of the availability of a credit under this section before the sale or lease of a hybrid vehicle for which the individual may claim a credit under this section.

(i) To obtain the credit provided by this section, the

individual must:

(1) claim the credit on the individual's state tax return or returns in the manner prescribed by the department; and

(2) submit to the department proof of all information that the department determines is necessary for the calculation of the credit.

(j) An individual is not entitled to a credit under this section if the hybrid vehicle for which the credit is being claimed was purchased for the purpose of resale or lease."

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JANUARY 1, 2008] **IC 6-3-3-14, as added by this act, applies to taxable years beginning after December 31, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1165 as printed January 26, 2007.)

ELROD

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1165 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Elrod's amendment (1165-2) violates House Rule 118. The amendment is assuredly not pending before the House as a bill.

WHETSTONE
ELROD

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 29: yeas 49, nays 48. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

House Bill 1183

Representative Reske called down House Bill 1183 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1208

Representative Micon called down House Bill 1208 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1208-1)

Mr. Speaker: I move that House Bill 1208 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"Sec. 2. As used in this section, "alternative financial aid" means any need or merit based financial aid, from any source, for payment of tuition or fees at a state educational institution. The term does not include an application for a tuition and fee exemption provided by this chapter."

Page 1, line 13, delete "2." and insert "3."

Page 1, line 13, after "section" insert ",".

Page 1, line 15, delete "3." and insert "4."

Page 2, line 1, delete "4." and insert "5."

Page 2, line 3, delete "5." and insert "6."

Page 2, line 5, delete "6." and insert "7."

Page 2, line 23, delete "and".

Page 2, line 26, after "attend;" insert "and".

Page 2, between lines 26 and 27, begin a new line block indented and insert:

"(7) provides proof, as required by the state student assistance commission (as established by IC 20-12-21-4), that the individual has attempted to obtain alternative financial aid;".

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(b) For purposes of subsection (a)(7), the state student assistance commission:

(1) must provide notice in writing to individuals seeking a tuition exemption under this chapter of the proof required under subsection (a)(7); and

(2) may establish requirements concerning the type and amount of alternative financial aid that an individual must attempt to obtain before the individual may receive a tuition exemption under this chapter."

Page 2, line 31, delete "(b)" and insert "(c)".

Page 2, line 35, delete "7." and insert "8."

Page 2, line 36, delete "6" and insert "7".

Page 3, line 6, delete "6" and insert "7".

Page 3, line 7, delete "8." and insert "9."

Page 3, line 8, delete "6" and insert "7".

Page 3, line 17, delete "9." and insert "10."

Page 3, line 18, delete "6" and insert "7".

Page 3, line 34, delete "10." and insert "11."

(Reference is to HB 1208 as printed January 26, 2007.)

ESPICH

Motion prevailed. The bill was ordered engrossed.

House Bill 1301

Representative Porter called down House Bill 1301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1364

Representative Foley called down House Bill 1364 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1383

Representative L. Lawson called down House Bill 1383 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1546

Representative GiaQuinta called down House Bill 1546 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1722

Representative Stilwell called down House Bill 1722 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1132

Representative Tyler called down Engrossed House Bill 1132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Tyler withdrew the call of Engrossed House Bill 1132.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of House Bill 1236 from the Committee on Ways and Means to the Committee on Rules and Legislative Procedures.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1092, Roll Call 21, on January 26, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber but, when I attempted to vote, the machine had closed. I intended to vote yea."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 21 to 90 yeas, 0 nays.*]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 5, 18, and 154 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 9 and the same is herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1038.

TYLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borrer be added as coauthor of House Bill 1085.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1130.

TYLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thompson and Candelaria Reardon be added as coauthors of House Bill 1243.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be removed as author of House Bill 1272, Representative Bischoff be substituted as author, and Representative Cherry be added as

coauthor.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Knollman be added as coauthor of House Bill 1281.

KOCH

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and Crouch be added as coauthors of House Bill 1410.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be removed as author of House Bill 1479, Representative VanHaaften be substituted as author, and Representative Kuzman be added as coauthor.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be removed as author of House Bill 1500, Representative VanHaaften be substituted as author, Representative Stutzman be added as coauthor.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wolkins be added as coauthor of House Bill 1521.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dodge be added as coauthor of House Bill 1625.

TYLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Orentlicher be added as coauthor of House Bill 1716.

BARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crooks be added as coauthor of House Bill 1722.

STILWELL

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Soliday, the House adjourned at 5:10 p.m., this twenty-ninth day of January, 2007, until Tuesday, January 30, 2007, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives